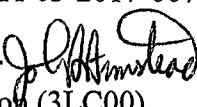




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**ENFORCEMENT CONFIDENTIAL**

Subject: Consent Agreement and Final Order  
In the Matter of: Philadelphia Energy Solutions Refining & Marketing, LLC  
U.S. EPA Docket No. RCRA-03-2017-0075

From: John A. Armstead, Director  12.9.16  
Land and Chemicals Division (3LC00)

Mary B. Coe, Regional Counsel   
Office of Regional Counsel (3RC00)

To: Joseph J. Lisa  12-21-2016  
Regional Judicial Officer (3RC00)

The attached Consent Agreement and the accompanying Final Order (collectively "CAFO") have been negotiated with Philadelphia Energy Solutions Refining & Marketing, LLC ("Respondent"), in initiation and settlement of an administrative enforcement action brought pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, 42 U.S.C. § 6928(a) and (g), commonly known as a Resource Conservation and Recovery Act, Subtitle C ("RCRA" or the "Act"). The alleged violations occurred at Respondent's facility located at 3144 West Passyunk Avenue, Pennsylvania, 19145 ("the Facility"). The Facility was owned and operated by the Respondent at all times relevant to the violations alleged in the accompanying CAFO. The CAFO addresses violations, at the Facility, of RCRA and of the regulations implementing 42 U.S.C. § 6924, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

The CAFO requires the Respondent to pay a civil penalty of **\$100,000.00**. This settlement is consistent with the statutory penalty criteria set forth in 42 U.S.C. § 6928(a)(3), applicable EPA policies and guidelines and appropriate inflation adjustments pursuant to 40 C.F.R. Part 19 and relevant EPA implementing guidance.

We concur with the terms of the enclosed CAFO and recommend that you sign the Final Order where indicated and return it and the attached document to Donzetta W. Thomas of the Office of Regional Counsel for filing with the Regional Hearing Clerk.

cc: Lisa Runyon, Assistant General Counsel  
267.238.4355; [LISA.RUNYON@pes-companies.com](mailto:LISA.RUNYON@pes-companies.com)